

U.S. Serial No. 10/820,373

Docket No. 4819-4701

REMARKS

Claims 1-7 are pending. Applicants thank the Examiner for the indication that claim 7 is allowed.

Claim 1 is amended. Support for the amendment can be found on page 2, lines 23-32. No new matter is entered.

**Drawing**

The Office Action requires Applicants to furnish a drawing. Applicants respectfully traverse the requirement on the basis that a drawing should not be required. The application is not limited to any particular design, and therefore, a drawing should not be required. Applicants respectfully request withdrawal of the requirement.

**Response to Rejections**

Claims 1, 5, and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Tveter (U.S. Pat. 3,865,718). The Examiner specifically points to Examples 5 and 6 of Tveter. Applicants respectfully traverse the rejection on the basis that Tveter does not teach a testing method for designing a semiautogenous or an autogenous grinding circuit with at least one ball mill for grinding ore, the method comprising testing the ore by grinding the ore in two sequential testing steps using a single sample of ore, as claimed in claim 1. Applicants respectfully request withdrawal of the rejection.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Polizzoti (U.S. Pat. 5,211,920), where the Examiner states that Polizzoti teaches testing an ore sample via two testing procedures. Applicants respectfully traverse the rejection on the basis that Polizzoti does not disclose a testing method for designing a semiautogenous or an autogenous grinding circuit with at least one ball mill for grinding ore, the method comprising testing the

U.S. Serial No. 10/820,373

Docket No. 4819-4701

ore by grinding the ore in two sequential testing steps using a single sample of ore, as claimed in claim 1. Applicants respectfully request withdrawal of the rejection.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rosenblum (U.S. Pat. 6,089,079), where the Examiner states that Rosenblum teaches testing the moisture of ore employing the steps of transmitting force and processing. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Rosenblum because the Examiner states that Rosenblum's conveyor belt commonly displaces portions of ore in the claimed range. Applicants respectfully traverse the rejection on the basis that Rosenblum does not disclose or teach a testing method for designing a semiautogenous or an autogenous grinding circuit with at least one ball mill for grinding ore, the method comprising testing the ore by grinding the ore in two sequential testing steps using a single sample of ore, as claimed in claim 1. Applicants respectfully request withdrawal of the rejection.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being obvious over Applicant's Statement in view of Pennington (U.S. Pat. 3,791,218). The Examiner states that it would have been obvious to obtain a sample for testing with material sampled from a scoop according to Pennington. Applicants respectfully traverse the rejection on the basis that neither Applicant's Statement of the prior art nor Pennington alone or in combination teach a testing method for designing a semiautogenous or an autogenous grinding circuit with at least one ball mill for grinding ore, the method comprising testing the ore by grinding the ore in two sequential testing steps using a single sample of ore, as claimed in claim 1. Further, the only way to arrive at the instant claims is through hindsight reconstruction of Applicant's claimed invention, which is improper. Applicants respectfully request withdrawal of the rejection.

U.S. Serial No. 10/820,373

Docket No. 4819-4701

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

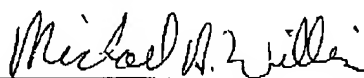
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4819-4701. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4819-4701. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: February 24, 2006

By: \_\_\_\_\_



Michael A. Willis  
Registration No. 53,913

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile

U.S. Serial No. 10/820,373

Docket No. 4819-4701

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION


The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4819-4701. A DUPLICATE OF THIS SHEET IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4819-4701. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: February 24, 2006

By: \_\_\_\_\_

  
Michael A. Willis  
Registration No. 53,913

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile